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10/644,613

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John Williams

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EXAMINER

OMOTOSHO, EMMANUEL

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

10/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/644,613

Applicant(s)

WILLIAMS ET AL.

Examiner

Emmanuel Omotosho

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3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Request for Continued Examination (RCE)*

In response to applicant's RCE filed 09/17/07, in which claims 1 and 9 were amended. Claims 1-6 and 8-11 are pending.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow et al. ("Kaminkow") US Patent 6,656,041, **and further in view of Okada US Pub. No. 2004/0209672.**

4. Claims 1,8-9 and 11: Kaminkow teaches a gaming machine having a chamber (Fig 1 El. 58), a panel carrying gaming machine artwork (El. 70 Par 4 lines 22-26), a light diffusing element (Par 4 lines 18-21) and a gaming machine illuminating

arrangement comprising a carrier (Fig 3 El. 68) and a plurality of semiconductor illuminating elements arranged in a predetermined array on the carrier (Par 4. lines 58-66). Further comprising a controlling means for controlling operation of the illuminating arrangement (Par 4. lines 58-64).

5. Kaminkow does not specifically disclose that the light-diffusing element can be arranged on an opposed side of the chamber in spaced relationship relative to the panel.

6. Okada teaches of gaming system with a display device arranged in the belly of the gaming system comprising a panel carrying artwork on one side and a light-diffusing panel on a different side of the game's chamber. An illuminating member is placed between the artwork panel and the light diffuser to make an arrangement that provides a backlighting feature to the system (Par 86, fig 1, fig 36).

7. Kaminkow motivated that number of arrangement modifications could be made to the design (Par. 5 lines 55-66). Therefore it would have been obvious to one of ordinary skill in the art to incorporate Okada's teaching of the illuminating arrangement to further provide backlighting to the system since it has been held that rearranging parts of an invention involves only routine skill in the art. See *In re Japikse*, 86 USPQ 70.

8. Claims 3-4: Kaminkow teaches that the semiconductor illuminating elements are in the form of light emitting diodes (LEDs) where in the arrangement is a sequence of repeating groups (Par 4. lines 58-64, Fig 3).

9. **Claims 5-6: Kaminkow teaches that the group comprises a predetermined number of differently colored LEDs in which the colors may correspond to various colors (Par 4 line 67 – Par 5 line 2). Kaminkow did not teach the colors, specifically, to be primary colors. However, it is a matter of design choice to have the LED's to have only primary colors. Such method is extremely old in the gaming art since by having only primary colors one can generate the other colors through the combination of primary colors. However, if applicant wishes to contend this official notice position, applicant should respectfully consider Paulsen et al US 2006/0121967 par. 6 before filing a next response to the office.**

10. Claim 10: wherein the chamber defining means is arranged in a top box of the gaming machine (Kaminkow Fig 1)

11. Claim 11: Even though this claim is rejected above using Okada, Applicant should respectfully further note here that the word "belly" is extremely broad and thus is subject to the broadest-reasonable interpretation. For example, a definition of "belly" found in the dictionary of <http://encarta.msn.com> states that the belly is the "the interior cavity of a structure". Thus, using this interpretation Kaminkow Fig 1 el. 58 teaches would still read on this feature.

12. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in further view of Okada. Kaminkow fail to specifically show that the carrier comprises of a strip of printed circuit board (PCB) carrying conductive traces for connecting the illuminating elements to a control means for supplying electrical power to the PCB, the control means being part of a controller of the**

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**gaming machine. However, as previously acquiesced by the applicant, It is well known in the art to use PCB boards to mount and control LED displays. For example, see Chaudhry, US 4,363,486, which shows this feature to be old (Par. 1 line 59 – Par. 2 line 12). It is also well known to use LED's to display information on many type of devices, displaying color pictures, text, flashing lights etc.**

#### **Examiner's Note**

Since applicant did not traverse the examiner's assertion of the following well known in the art statements, the following statements are now been taken to be admitted prior art (See MPEP 2144 Part 3)

- a. To use PCB boards to mount and control LED displays
- b. To use LED's to display information on many type of devices, displaying color pictures, text, flashing lights

#### **Pertinent Prior Art**

Satoh et al. US 6,811,273 B2 teaches illumination unit for reels of slot machine.

#### ***Response to Arguments***

Applicant's arguments filed 7/16/07 have been considered but are moot in view of the new ground(s) of rejection. Please see newly added and highlighted paragraphs above.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is (571) 272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

*Ronald Laneau*

RONALD LANEAU  
PRIMARY EXAMINER

10/10/07